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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/650,247

08/28/2003

Howard Marks

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BELL, BOYD & LLOYD LLP

P.O. Box 1135

CHICAGO, IL 60690

EXAMINER

THOMASSON, MEAGAN J

ART UNIT

PAPER NUMBER

3714

NOTIFICATION DATE

DELIVERY MODE

07/31/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

Office Action Summary	Application No. 10/650,247	Applicant(s) MARKS ET AL.	
	Examiner Meagan Thomasson	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 2, 13 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-12, 14-23 and 25-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/14/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 7, 2007 has been entered.

Response to Amendment

The examiner acknowledges the amendments made to claims 1,9,10,12,21,23,25,26,29 and 31. Claims 2,13 and 24 are canceled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1,3-8,12,14-19,23,25-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Crouch (Australian Petty Patent Abridgment AU-B-74936/87, herein referred to as Crouch).

Regarding claims 1,12 and 23, Crouch discloses a gaming device controlled by a processor, said gaming device comprising a plurality of reels, each of said reels including a plurality of symbol positions, a plurality of symbols at the plurality of symbol positions on said reels (P. 2, lines 1-5), said plurality of symbols including a plurality of first symbols, wherein at least two of the first symbols are different (non-double symbols, Fig. 1 and 5), and at least one double symbols including two symbols at a single symbol position on the reels wherein each of said symbols of said at least one double symbol functions as an individual symbol for evaluation purposes when determining whether a symbol combination including said double symbol is one of a plurality of winning symbol combinations (P. 4, lines 4-11; Fig. 1,3,5 and 6); at least one predetermined winning symbol combination of said plurality of winning symbol combinations including at least one of said plurality of first symbols, wherein said predetermined winning symbol combination occurs in a predetermined number of symbol positions and is associated with an award adapted to be provided to a player (Fig. 7, "Is There a Winning Line-Up Single Symbols?" evaluation step; wherein a player is awarded for a symbol combination containing non-double symbols), at least one

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additional winning symbol combination of said plurality of winning symbol combinations including at least one double symbol and at least one of said plurality of first symbols; and said processor programmed to (a) activate the reels to generate a plurality of the symbols at said plurality of symbol positions on said reels, (b) determine if either of said predetermined winning symbol combinations or said additional winning symbol combination is generated on the reels; and (c) provide said award to the player if either of said predetermined winning symbol combination or said additional winning symbol combination is generated on the reels (Fig. 7).

Crouch does not specifically disclose said double symbol includes at least two of the same symbols at a single symbol position on the reels. Instead, in the example given by Crouch the double symbol comprises the two symbols J and K side by side. However, P. 4 lines 9-14 disclose that "The significant feature is that the double symbol occupies a position occupied by a normal single symbol. On the center reel in this particular game there could be other double symbols ... arranged at positions around the circumference of the reel". The symbols disclosed by Crouch are card symbols for replicating poker combinations, thus it would have been obvious to one of ordinary skill in the art to include double symbols comprising at least two of the same symbols at a single symbol position on the reels as it is well known that cards of the same "symbol" comprise winning poker combinations (e.g. three of a kind, four of a kind).

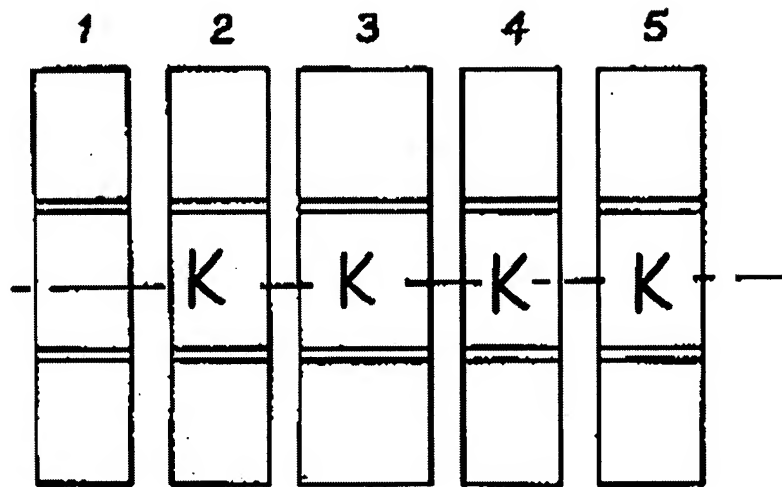


Fig. I – Four of a Kind Using Non-Double Symbols

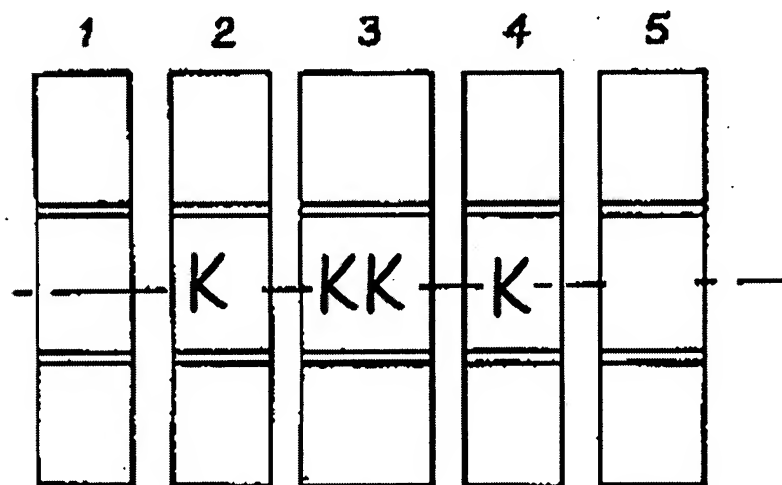


Fig. II – Four of a Kind Using Double Symbol

If the invention disclosed by Crouch included double symbols comprising at least two of the same symbols at a single symbol position on the reels, as it would have been obvious to one of ordinary skill to modify Crouch to do so, then a player may be

awarded as shown in the above drawings. That is, a player may be awarded for obtaining an outcome of a four of a kind poker hand without using the double symbol such that the first symbols occurs in a predetermined number of symbol positions (four symbol positions), as shown in Fig. I. Similarly, a player may be awarded for obtaining an outcome of a four of a kind poker hand by utilizing the double symbol wherein said four of a kind poker hand occurs in fewer symbol positions than said predetermined number of symbol positions (three symbol positions), as shown in Fig. II.

Regarding claims 3,5,14,16 Crouch discloses paylines associated with the reels (Fig. 6).

Regarding claims 4,15,25 in the examples of an obvious embodiment of Crouch shown in Fig. I and II, the symbol positions associated with both of the winning symbol combinations are on the payline.

Regarding claims 6,17,26 Crouch discloses the winning symbol combinations occur at a plurality of the symbol positions on the paylines (Fig. 6, the winning symbol combination of 4 jacks occurs on lines 1 and 3).

Regarding claims 7,18,27 Crouch discloses the winning symbol combinations are pre-determined (P. 3, lines 3-7).

Regarding claims 8,19 the Double Symbol disclosed by Crouch could be interpreted as a bonus symbol as it presents additional winning opportunities to a player.

Claims 9-11,20-22,28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crouch (Australian Petty Patent Abridgment AU-B-74936/87, herein referred to as Crouch) in view of Kaminkow (US 6,905,406 B2).

Crouch discloses a slot machine gaming device comprising a plurality of first symbols and a plurality of double symbols comprising at least two symbols at a single symbol position wherein it would have been obvious to one of ordinary skill for a double symbol to comprise at least two of the same symbols at a single symbol position on the reels, as described above. Further, the double symbol may be considered a bonus symbol as it provides additional winning opportunities to a player. *Crouch does not specifically disclose the gaming device comprises at least one bonus award provided to the player when a winning symbol combination including said bonus symbol occurs on the reels, wherein the bonus award is modified by at least one modifier, and further wherein the modifier includes a multiplier.* However, in an analogous slot machine invention, Kaminkow discloses a plurality of reels comprising a plurality of first symbols as well as double symbols comprising multiple symbols at a single reel position (Fig. 18A, wherein said first symbols include the Heart and Cherry symbols shown on lines 1 and 3, said double symbols shown in line 2). Additionally, Kaminkow discloses a WILD bonus symbol that is associated with a bonus award including multipliers (col. 7, lines 16-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the slot machine gaming device of Crouch to include the bonus award teachings of Kaminkow as they are analogous inventions in the same field of endeavor (i.e. slot machine gaming devices featuring multiple symbols at a single

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symbol position). Further, the inclusion of bonus symbols that are associated with a bonus award (e.g. multipliers) are notoriously well known features to one of ordinary skill in the art.

Additionally, Crouch does not specifically disclose that the game is provided to the player through a data network, and further that the data network is an internet. However, these features as disclosed by Kaminkow in col. 6, lines 51-58. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Crouch in order to provide the game to a player through a data network as taught by Kaminkow as the inventions disclosed by Crouch and Kaminkow are analogous gaming devices. Additionally, providing games to a gaming device through a data network is a notoriously well known practice to one of ordinary skill in the art.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson
July 23, 2007


XUAN M. THAI
SUPERVISORY PATENT EXAMINER
TC3700